

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1, 4, 5, and 8-14 under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 7,036,091 to Nguyen ("*Nguyen*") in view of U.S. Patent No. 6,628,304 to Mitchell et al. ("*Mitchell*"), further in view of U.S. Patent No 6,819,344 to Robbins ("*Robbins*"), further in view of U.S. Patent No. 5,317,687 to Torres ("*Torres*"), further in view of U.S. Patent No. 5,745,717 to Vayda et al. ("*Vayda*"), further in view of U.S. Patent No. 6,781,610 to Os et al. ("*Os*"), and further in view of U.S. Patent No. 6,544,123 to Tanaka et al. ("*Tanaka*").

Applicants amend claims 1 and 5. Support for the amendments to claims 1 and 5 can be found in the specification and the drawings, for example, Figs. 3 and 6. Upon entry of this amendment, claims 1, 4, 5, and 8-14 remain pending.

Applicants respectfully traverse the rejection of claims 1, 4, 5, and 8-14 under 35 U.S.C § 103(a) as being unpatentable over *Nguyen* in view of *Mitchell*, *Robbins*, *Torres*, *Vayda*, and *Os*. The Final Office Action has not properly resolved the *Graham* factual inquiries, as required to establish a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398 (2007). In particular, the Final Office Action has not properly ascertained the differences between the claimed invention and the prior art, at least because the Final Office Action has not interpreted the prior art and considered both the invention and the prior art as a whole. See M.P.E.P. § 2141(II)(B).

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

Amended claim 1 recites “highlighting a first icon of the primary icons while also displaying a second icon of the primary icons, wherein the second icon is encircled by a second ring that does not encircle the first icon, the second icon being within a space encircled by the second ring” (emphases added). Applicants submit that the cited references, whether taken alone or in any proper combination, fail to teach or suggest the above-quoted feature recited in claim 1.

As essentially admitted by the Final Office Action, *Nguyen* does not teach or suggest the above-quoted feature recited in claim 1. See the Final Office Action, p. 2. The Final Office Action relies on *Mitchell* to allegedly cure the deficiencies of *Nguyen*, alleging that “*Mitchell* teaches a second icon being surrounded by a second ring that does not surround the first icon (taught as the hierarchical ring structures of Figs. 3-6 that include selectable icons surrounding each larger icon, at col. 8, lines 1-34).” Final Office Action, p. 2.

Even assuming *Mitchell* teaches “second icon being surrounded by a second ring that does not surround the first icon,” as alleged by the Final Office Action (emphasis added), a notion to which Applicants do not concede, *Mitchell* does not teach or suggest a “second icon [] encircled by a second ring that does not encircle the first icon, the second icon being within a space encircled by the second ring,” as recited in amended claim 1 (emphases added). For example, even assuming that *Mitchell*’s node 211 is “surrounded” by a child node 211A, which does not surround node 212, the node 211 is not “encircled” by the child node 211A such that the node 211 is “within a space encircled by” the child node 211A.

Robbins, Torres, Vayada, Os, and Tanaka, whether taken alone or in any proper combination, do not teach or suggest “highlighting a first icon of the primary icons while also displaying a second icon of the primary icons, wherein the second icon is encircled by a second ring that does not encircle the first icon, the second icon being within a space encircled by the second ring,” as recited in claim 1 (emphases added). The Final Office Action does not allege otherwise.

For at least the above reasons, the Final Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and amended independent claim 1. Moreover, no reason has been clearly articulated as to why amended claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Therefore, claim 1 is allowable over the cited references. Independent claim 5, although of a different scope, includes recitations similar to those discussed above in connection with claim 1 and, accordingly, is allowable over the cited references for at least the same reasons discussed above in connection with claim 1. Further, claims 4 and 8-14 are allowable at least by virtue of their respective dependence from base claim 1 or 5, and because they recite additional features not taught or suggested by the cited references. Applicants therefore respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection.

In view of the foregoing, Applicants submit that the claimed invention is not rendered obvious in view of the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: /David W. Hill/
David W. Hill
Reg. No. 28,220